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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ALASKA**

ELIZABETH BAKALAR,

Plaintiff,

vs.

MICHAEL J. DUNLEAVY, in his  
individual and official capacities;  
TUCKERMAN BABCOCK; and the STATE  
OF ALASKA,

Defendants.

Case No. 3:19-cv-00025 JWS

**JOINT RESPONSE TO ORDER AT DOCKET 105**  
**CONCERNING CERTIFICATION OF READINESS FOR TRIAL**

The parties conferred and jointly respond to the Order at Docket 105, as follows:

First, concerning the Court's request for certification that discovery is complete,  
that there are no outstanding procedural or legal issues for resolution by motion, and that

JOINT RESPONSE TO ORDER DKT 105 CONCERNING  
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settlement has been explored and deemed remote, the parties have convened and for the reasons set forth below, determined that an additional six months is necessary to complete discovery and motion practice.

Specifically, undersigned counsel for Plaintiff had heart surgery in May and his medical condition delayed the discovery process through the summer of 2022. In the fall of 2022, the parties made significant, but ultimately unsuccessful, efforts to settle this matter. As a result, the parties did not have the opportunity to conduct the discovery they previously had planned. Moreover, during the conference in response to this Court's Order (Docket 105), Plaintiff's counsel advised that he expected to file a motion regarding venue. (Plaintiff proposes an intra-district transfer to Juneau for the convenience of witnesses.) Counsel for both parties discussed the relevance of certain evidence to the issues of damages to be heard at trial given the Court's ruling on summary judgment. The parties anticipate that this subject will result in additional motion practice.

Accordingly, the parties jointly request that the Court provide an additional six months, to August 9, 2023, for the parties to conduct damages discovery, to resolve any potential motions concerning the location of trial and the scope of issues to be tried, and to resolve any additional evidentiary issues that may arise.

Second, considering the above request for additional time, the parties request that the Court schedule a trial setting conference to schedule a new trial date beyond the six-

month extension of time requested for the closure of discovery and motion practice. Counsel for Plaintiff is currently scheduled for trials in July (scheduled to last two weeks), August (scheduled to last two weeks), September (scheduled to last two weeks) and October (scheduled to last three weeks). Accordingly, the parties request a trial date to begin in November or December 2023, or January 2024.

Dated: February 10, 2023

CHOATE LAW FIRM LLC  
Attorneys for Plaintiff

/s/ Mark Choate  
By: Mark Choate, 8011070

Dated: February 10, 2023

LANE POWELL LLC  
Attorneys for Defendant

/s/ Brewster Jamieson  
By: Brewster H. Jamieson, #8411122